

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

FILED
IN CLERK'S OFFICE
DISTRICT COURT E.D.N.Y.

★ SEP 09 2010 ★

HAROLD LEWIN, an incapacitated person
by his legal guardian MARIS GORDON,

BROOKLYN OFFICE

Date Purchased:

- against -

MARK A. RILEY,
Defendant.

CV 10 - 4116

=====X

Plaintiff, Harold Lewin ("Lewin"), an incapacitated person by his legal guardian MARIS GORDON, by his attorney Gordon & Gordon, PC, hereby brings this Complaint against Mark A. Riley ("Riley"), and in support thereof, states as follows:

Nature of the Action

1. The plaintiff brings this action against Defendant, Mark A. Riley, for fraud in the amount of \$75,000.00 Plaintiff is also seeking indemnification and damages against Riley for said fraud.

The Parties

2. Plaintiff, Lewin, was and still is a resident of the County of Queens, State of New York.
3. That in all times hereinafter mentioned, Lewin is recognized by the State as an incapacitated person.
4. That in all times hereinafter mentioned, Maris R. Gordon, Esq. is the guardian of Lewin being appointed by the Supreme Court for the State of New York.
5. That in all times hereinafter mentioned, Lewin had and still has banking accounts at Chase Bank USA National Association.
6. That in all times hereinafter mentioned, Chase Bank USA National Association ("Chase") is a subsidiary of JPMorgan Chase & Co.
7. That in all times herein mentioned Mark A. Riley was and still is a resident of the city of Fort Lee, State of New Jersey.

8. That in all times hereinafter mentioned, Riley had and still has banking accounts at Bank of America Corporation.

Jurisdiction and Venue

9. This Court has personal jurisdiction over this matter pursuant to 28 U.S.C. 1332(a) since the amount in controversy exceeds \$75,000, exclusive of interests and costs and there is a diversity of citizenship as Riley is a citizen of New Jersey and Lewin a citizen of New York.
10. Venue is proper in this Court because the fraud occurred at the local Chase Bank Branch in the County of Queens.

As and For a First Cause of Action

11. Plaintiff, Lewin, repeats, reiterates and realleges each and every allegation as set forth in Paragraph 1 thru 11 as if fully set forth herein.
12. That on February 2, 2009, a cashier's check was tendered to Riley in the amount of \$75,000. This check listed Harold Lewin as the remitter.
13. This check was prepared at Chase. Cashier's check is annexed herewith.
14. That on February 5, 2009, Riley deposited the cashier check into his Bank of America checking account. Deposit slip is annexed herewith.
15. This office has made numerous attempts both written and verbal to communicate with Riley to account for the purpose of the cashier's check.
16. That on July 23, 2010, a written letter was sent to Riley's residence. Letter to Riley is annexed herewith.
17. That on August 16, 2010, this office left a voice message on Riley's home phone number.
18. That to date, to date this office has not received a response of any kind from Riley.
19. For reasons forementioned, we believe Riley perpetrated fraud against incapacitated person, Lewin.
20. As a result of the Riley's fraud, Lewin has suffered damages in the sum of \$75,000.

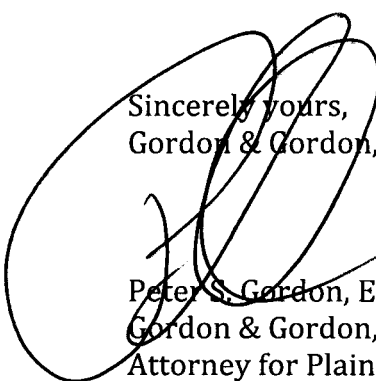
As and For a Second Cause of Action

21. Plaintiff, Lewin, repeats, reiterates and realleges each and every allegation as set forth in the First Cause of Action with the same force and effect as if fully set forth herein.
22. That as a result of the fraud perpetrated by Riley, Plaintiff has suffered damages in the form of legal fees, having been compelled to retain counsel himself in this action, all to plaintiff's damages in the sum of ten thousand dollars.

WHEREFORE, plaintiffs prays for a judgment against defendant, Mark Riley, ordering said defendant to indemnify Plaintiff's financial loss in the amount of \$75,000 plus interest for the First Cause of Action, and judgment in favor of plaintiff against defendant in the sum of ten thousand dollars plus the costs and disbursements of this action, and any such further relief as the Court deems just and appropriate.

Dated: September 1, 2010
Forest Hills, NY

Sincerely yours,
Gordon & Gordon, PC



Peter S. Gordon, Esq.
Gordon & Gordon, PC
Attorney for Plaintiff
108-18 Queens Blvd. 6th Floor
Forest Hills, NY 11375
Phone: (718) 544-7070

To: Mark A. Riley
2160 Centre Ave. Apt 5J
Fort Lee, NJ 07024-5828

Posting Date: 2009-02-06
 Sequence #: 7080429738
 Account #: 758661433
 Routing Transit: 04400003
 Amount #: \$75000.00
 Check/Serial #: 009807600756
 Bank #: 1
 Tran Code: 000000
 IRD: 0
 ItemType: P
 BOFD: 000000000
 Cost Center: N/A
 Teller Number: N/A
 Teller Seq Number: N/A
 Processing Date: N/A

HOLD DOCUMENT UP TO THE LIGHT TO VIEW TRUE WATERMARK		282111107 NEW 01/08 981000	
CHASE		CASHIER'S CHECK	
Remitter HAROLD LEWIN		9807600756 25-3 Date 02/04/2009 440	
Pay: SEVENTY FIVE THOUSAND DOLLARS AND 00 CENTS		\$ *****75,000.00 ***	
Pay To The Order Of MARK RILEY		Drawer: JPMORGAN CHASE BANK, N.A. <i>Michael Andrews</i> Senior Vice President JPMorgan Chase Bank, N.A. Columbus, OH	
⑈9807600756⑈ ⑆04400003⑆ 758661433⑈		⑈0007500000⑈	

Security features on this check include a
 Micro Print Embedded Line Watermark and Variable Faint
 Alignment of Serial Numbers may indicate alteration.
 Product design is a trademark mark of Chase Payment Systems Incorporated.

1-866-833-0358

JPMORGAN CHASE BANK, N.A.

CONTACT

FOR INFORMATION CONCERNING THE INSTRUMENT

FEB -5 09
 BANK OF AMERICA/NA HRT
 00160001354 EX239 94 P2
 02/05/09
 4670065596

3651 14381

DEPOSITARY BANK ENDORSEMENT

DO NOT WRITE / SIGN / STAMP BELOW THIS LINE

Mark Riley

WARNING - DO NOT CASH CHECK
 WITHOUT NOTING WATERMARK.
 HOLD TO LIGHT TO VERIFY WATERMARK

Amount: \$75,000.00
 Account: 381012784114
 Bank Number: 54006013

Sequence Number: 4670065597
 Capture Date: 02/05/2009
 Check Number: 0

Bank of America

Date

2/5/09

Name and Address

177424 3120

2160 Center Ave

Fort Lee NJ 07024

Telephone No.

Sign here if cash received

All items received subject to terms and conditions of applicable laws, regulations and deposit agreement.

Save time in line and help us avoid errors. The next time you make a deposit, please use your pre-printed deposit slips for your account.

Cash

Currency

Coins

Checks

Sub Total

Less Cash Received

Total Deposit

750 00 00

750 00 00

381 012784114

Account Number

\$

75000.00

540060131

381012784114

5,000,750,000

Enter this Total On the Front of This Ticket

\$

75,000.00

2160 Center Ave

Fort Lee NJ 07024

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BANK OF AMERICA NA HT
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 02/05/09
 4670065597

FTD-5 09

3651

14300

Dollars

Cents

Gordon & Gordon
Attorneys at Law

108-18 Queens Blvd., 6th Floor
Forest Hills, N.Y. 11375

Phone: (718) 544-7070
Fax: (718) 544-0994

Peter S. Gordon, Esq.
Maris R. Gordon, Esq.

www.gordonesq.com

July 23, 2010

Mark A. Riley
2160 Center Ave. Apt 5J
Fort Lee, NJ 07024-5828

Dear Mr. Riley,

Please be advised that this office represents the guardian appointed for Harold Lewin, an incapacitated person.

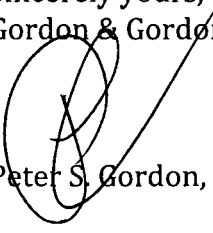
On February 4, 2009, a check in the amount of \$75,000 was tendered to you. We are required to account for the purpose of this payment and seek your cooperation.

Please correct this office upon receipt in order to account for this payment.

Enclosed herewith is a copy of the check tendered to you.

Should you have any questions or concerns, please feel free to contact this office.

Sincerely yours,
Gordon & Gordon, PC


Peter S. Gordon, Esq.

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

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ATTORNEY'S VERIFICATION

PETER S. GORDON, an attorney duly admitted to practice before the Courts of the State of New York, affirms the following to be true under the penalties of perjury:

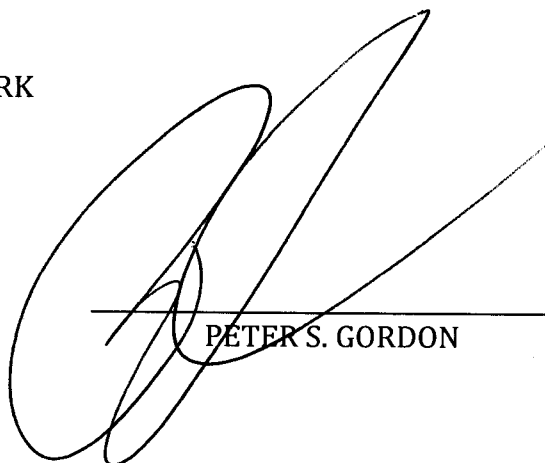
I am attorney at the law firm of GORDON & GORDON, P.C., attorneys of record for Plaintiff, HAROLD LEWIN. I have read the annexed

SUMMONS & COMPLAINT

and know the contents thereof, and the same are true to my knowledge, except those matters therein which are stated to be alleged upon information and belief, and as to those matters I believe them to be true. My belief, as to those matters therein not stated upon knowledge, is based upon facts, records, and other pertinent information contained in my files.

This verification is made by me because plaintiff is not presently in the county wherein I maintain my offices.

Dated: NEW YORK, NEW YORK
August 17, 2010



PETER S. GORDON

